

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA

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OFFICE OF THE CLERK

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	8:07CR303
vs.)	
)	ORDER
HARRY C. LAMPERT, JR.,)	
)	
Defendant.)	

NOW ON THIS 6th day of October, 2008, this matter came on before the Court the Petition in Response to Preliminary Order of Forfeiture (Filing No. 77) filed by Gail Ann Lampert. Mrs. Lampert was represented by Rodney W. Smith, Attorney at Law; the United States was represented by Assistant U.S. Attorney, Nancy A. Svoboda. No other appearances were made, neither personally nor through counsel. The Court received the United States' exhibits one through twelve, inclusive, into evidence. The parties presented argument and submitted the matter for the Court's determination. The Court, being duly advised in the premises, finds as follows:

1. Pursuant to this Court's directive in its Preliminary Order of Forfeiture (Filing No. 59), the United States published notice of its intent to forfeit \$8,483.00, representing the net value of two motorcycles the Defendant, Harry C. Lampert, Jr., owned, and the following described real property: Lot 5, County Addition, City of Neligh, Antelope County, Nebraska, locally known as 102 East 11th Street, Neligh, Nebraska, hereinafter referred to as the "real property". This published notice is evidenced by Exhibit No. 8 and Filing No. 80.

2. Additionally, and also pursuant to this Court's Preliminary Order of Forfeiture, the United States provided direct, written notice to those persons and/or entities known to have an interest in

said currency and/or said real property. This direct notice is evidenced by Exhibit Nos. 2, 3, 4, 5, 6, 7, 10, 11 and 12.

3. In response to the United States' written notice and its published notice, Gail Ann Lampert is the only person or entity who has filed a Petition (Filing No. 76). That Petition should be granted. Gail Ann Lampert is a *bona fide* purchaser for value of a right, title and interest in the real property and was, at the time of her purchase, reasonably without cause to believe the property was subject to forfeiture. The U.S. Marshals Service should sell the real property, pay the costs associated with the sale out of the proceeds, then divide the remaining proceeds equally between Gail Ann Lampert and the United States. The U.S. Marshals Service should tender Mrs. Lampert's half to her, through the trust account of her attorney; the United States' half of the net sale proceeds should be forfeited.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. The Petition in Response to Preliminary Order of Forfeiture (Filing No. 76) filed herein by Gail Ann Lampert is approved. Pursuant to Title 21, United States Code, Section 853(n)(6)(B), Gail Ann Lampert is a *bona fide* purchaser for value of a right, title or interest in the following described real property:

Lot 5, County Addition, City of Neligh, Antelope County, Nebraska,
locally known as 102 East 11th Street, Neligh, Nebraska.

and, at the time of her purchase, was reasonably without cause to believe said real property was subject to forfeiture.

B. Exhibit No. 2 evidences the following encumbrances on the real property: a lien held by Pinnacle Bank, Neligh, Nebraska, f/k/a First United Bank, Neligh, Nebraska, by virtue of a Deed of

Trust executed by Harry C. Lampert, Jr. and Gail Ann Lampert, husband and wife, dated August 10, 1995, and recorded in the Office of the County Clerk of Antelope County, Nebraska, in Book 160 Page 227; the lien held by Bobby Dale Johnston and Rebecca Sue Johnston, husband and wife, by virtue of a Deed of Trust executed by Harry C. Lampert and Gail Ann Lampert, husband and wife, on July 16, 2005, and recorded in the Register of Deeds of Antelope County, Nebraska in Book 210, Page 549; and a lien held by Margaret Suzanne Moss evidenced by a Deed of Trust executed by Harry C. Lampert and Gail Ann Lampert, husband and wife, dated July 17, 2005, and recorded November 5, 2007, in Book 210 at Page 561 of the records of the Register of Deeds of Antelope County, Nebraska. All right, title and interest these encumbrances represent are hereby forever barred and foreclosed.

C. The U.S. Marshals Service shall sell Lot 5, County Addition, City of Neligh, Antelope County, Nebraska, locally known as 102 East 11th Street, Neligh, Nebraska, free and clear of all liens and encumbrances. The U.S. Marshals Service shall pay the costs associated with the sale, to include a reasonable realtor's commission, from the sale proceeds. Gail Ann Lampert and the United States shall equally divide the net proceeds of the sale. The U. S. Marshals Service shall tender Gail Ann Lampert's half to her, by making delivery to the trust account of her attorney of record, Rodney W. Smith. The remaining half shall be, and the same hereby is, forfeited to the United States. The U. S. Marshals Service is directed to dispose of said property in accordance with law.

D. All right, title and interest in and to the \$8,483.00, representing the net value of two motorcycles previously owned by the Defendant, Harry C. Lampert, Jr., held by any person or entity, are hereby forever barred and foreclosed. The \$8,483.00, be, and the same hereby is, forfeited to the United States of America. The U. S. Marshals Service is directed to dispose of said property in accordance with law.

DATED this 4th ^{November} day of October, 2008.

BY THE COURT:


LAURIE SMITH CAMP, JUDGE
United States District Court

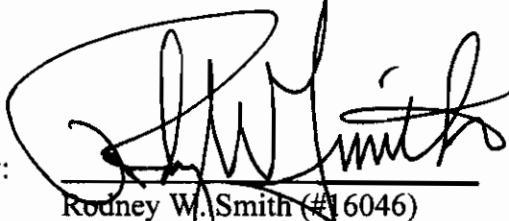
Prepared and submitted by:

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Approved as to form and content:

Gail Ann Lampert, Petitioner

By:



Rodney W. Smith (#16046)
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